

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2790 of 2016

1. Harihar Prasad Sidar S/o Shri Rameshwar Singh, Sidar, Aged About 53 Years Working As Horticulture Development Office, Government Horticulture Nursery, Kachanda, Block Jaijaipur, District Janjgir Champa Chhattisgarh
2. Macus Ekka, S/o Late Shri L. Ekka, Aged About 47 Years Working As Rural Horticulture, Extension Officer, Government Horticulture, Nursery, Gharghoda, Block Gharghoda, District Raigarh Chhattisgarh
3. Tobiys Ekka, S/o Shri R. Ekka, Aged About 49 Years Working As Rural Horticulture, Extension Officer, Government Horticulture, Nursery, Gharghoda, Block Gharghoda, District Raigarh Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Thorough The Secretary, Department Of Panchayat & Rural Development, Govt. Of Chhattisgarh Mahanadi Bhavan, P.O. Rakhi, Naya Raipur, District Raipur Chhattisgarh
2. The Directorate Of Horticulture And Farm Forestry, Through Its Director, Office Of The H.O.D. 2nd Block 4th Floor, Indravati Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. M.P.S. Bhatia, Advocate
For State / Respondents	:	Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

11-07-2016

Heard.

- 1) The petitioners have challenged the order dated 13.06.2016 on several grounds which need not be examined in view of existing remedy of statutory appeal with the petitioners to challenge the order of recovery under Rule 16 of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the Rules of 1966').
- 2) None of the grounds relate to jurisdictional illegality, violation of principle of natural justice or malafide so as to call for an interference by this Court in exercise of discretionary power under Article 226 of the

Constitution of India. The argument advanced by learned counsel for the petitioners is that in the appeal, the appellate authority may not grant interim relief is misconceived in law. The competent appellate authority under the Statutory Rules has jurisdiction to provide interim order.

- 3) Without commenting on merit of the case, the petition stands disposed off with liberty to file appropriate statutory appeal before the competent appellate authority under the Rules of 1966. Prayer for stay if made shall also be decided by the competent appellate authority expeditiously.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE